

DELEGATION OF AUTHORITY
EMERGENCY PLANNING AND COMMUNITY RIGHT-TO-KNOW ACT (EPCRA)

Civil Judicial Enforcement Actions, Including Collection Actions

1. AUTHORITY.

- a. To request the Attorney General to appear and represent the agency in any civil enforcement action and to intervene in any civil enforcement action instituted under the Emergency Planning and Community Right-to-Know Act, including an action to collect unpaid penalties;
- b. To request the AG to decline to prosecute a previously referred civil enforcement action or cease prosecution of a previously filed civil judicial action;
- c. [This authority is not redelegated]

2. TO WHOM REDELEGATED. These authorities are redelegated to the Regional Counsel, Office of Regional Counsel, or equivalent.

3. LIMITATIONS.

- a. The regional administrator must obtain the advance concurrence of the regional counsel, or equivalent, on the legal sufficiency of the action before exercising the authorities in 1.a. and 1.b. The regional counsel, or equivalent, may waive concurrence in writing.
- b. The OECA AA must notify the regional administrator or regional counsel prior to exercising the authorities in 1.a. – 1.c.
- c. The regional administrator or regional counsel must notify the OECA AA prior to exercising the authority in 1.b. and when exercising the authority in 1.a. The OECA AA may waive the requirement for notification in writing.

4. REDELEGATION AUTHORITY.

- a. These authorities may be redelegated to the branch chief level, or equivalent, and no further.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. SUPERSESSSION. This delegation supersedes R10 22-1 (06/26/2017) and any other delegation of the same authority.

6. ADDITIONAL REFERENCES.

- a. Memorandum of Understanding between the agency and the Department of Justice, June 1977, 42 Fed. Reg. 48942 (1977).
- b. EPCRA, Section 325.
- c. EPA Delegation 22-1.

APR 15 2019

Date

A handwritten signature in black ink, appearing to read "Chris Hladick", written over a horizontal line.

Chris Hladick
Regional Administrator